IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2380 of 2005

Between:

S. Venkateshwar Rao, S/o. S. Ch. Mastan Rao,
R/o. H.No. 8-3-299/8, Yousufguda, Hyderabad.

..... PETITIONER

AND

1 The Municipal Corporation of Hyderabad, Hyderabad, Rep. by its Chief City Planner.
2 The Assistant City Planner, Circle No.5, Municipal Corporation of Hyderabad. Khairtabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in threatening to demolish the petitioner's house bearing Municipal No.8-3-299/8, situated at Yousufguda, Hyderabad, without any notice or giving opportunity, as arbitrary, unjust and illegal and consequently direct the respondetns not to interfere with the petitioners house bearing Municipal No. 8-3-299/8, situated at Yousufguda, Hyderabad, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.RAGHU RAM

Counsel for the Respondent Nos 1 and 2.: SMT.G.JYOTHI KIRAN, STANDING COUNSEL FOR MUNICIPAL CORPORATION OF HYDERABAD.

The Court made the following :

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No. 2380 of 2005

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the 2nd respondent-Assistant City Planner in threatening to demolish the petitioner's house bearing Municipal No. 8-3-299/8 situated at Yousufguda, Hyderabad without any notice and without following the procedure prescribed under the provisions of the Hyderabad Municipal Corporation Act, 1955 is arbitrary and illegal.

Having heard the learned Counsel for the petitioner and Smt. G Jyothi Kiran appearing for the respondents, without expressing any opinion on the merits of the case, the writ petition is disposed of with a direction to the respondents not to demolish the petitioner's house bearing Municipal No. 8-3-299/8, situated at Yousufguda, Hyderabad without following due process of law. No order as to costs.

_____

11th February, 2005

Note:

(1) C.C. today

(2) Issue operative portion by wire

at party's costs.

(BO)

bud/gbs

Copy to:

1. The Chief City Planner, the Municipal Corporation of Hyderabad,

Hyderabad.

2. The Assistant City Planner, Circle No.5,

Municipal Corporation of Hyderabad,

Khairtabad, Hyderabad.

3. Two C.Ds.